

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : CR 07-543

:

-against- :

United States Courthouse  
Brooklyn, New York

RUSSELL DEFREITAS :  
KAREEM IBRAHIM :  
ABDUL KADIR :  
ABDEL NUR :

Defendants. : August 7, 2008  
12:00 o'clock noon

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TRANSCRIPT OF CONFERENCE  
BEFORE THE HONORABLE DORA L. IRIZARRY  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government: BENTON J. CAMPBELL  
United States Attorney  
BY: JEFFREY KNOX  
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Brooklyn, New York

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MILDRED WHALEN, ESQ.  
Federal Defenders  
Attorneys for R. DeFreitas,

MICHAEL HUESTON, ESQ.  
Attorney for K. Ibrahim

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2 Attorney for A. Kadir

3 DANIEL NOBLE, ESQ.  
4 Attorney for A. Nur

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8 Proceedings recorded by mechanical stenography, transcript  
9 produced by computer-aided transcription.

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11  
12 THE CLERK: Criminal cause for status conference,  
13 docket number 07 CR 543, USA versus DeFreitas, et al.

14 Government, please state your appearances.

15 MR. KNOX: Jeff Knox, Berit Berger for the  
16 government.

17 Good afternoon, Your Honor.

18 THE COURT: Good afternoon.

19 MR. KNOX: Adam Johnson from the MDC Legal  
20 Department is also here at counsel's table.

21 THE COURT: Good afternoon, Mr. Johnson.

22 MR. JOHNSON: Good afternoon, Your Honor.

23 THE CLERK: For Russell DeFreitas?

24 MR. CARTER: Andrew Carter and Millie Whalen,  
25 Federal Defenders of New York.

1 Good afternoon.

2 THE COURT: Good afternoon.

3 THE CLERK: For Kareem Ibrahim?

4 MR. HUESTON: Michael Hueston for Mr. Ibrahim.

5 Good afternoon, Your Honor.

6 THE COURT: Good afternoon.

7 Good afternoon, of course, to Mr. DeFreitas and  
8 Mr. Ibrahim.

9 THE DEFENDANT: Good afternoon.

10 THE CLERK: For Abdul Kadir?

11 MR. NKRUMAH: Good afternoon, Your Honor.

12 Kafahni Nkrumah.

13 THE COURT: Good afternoon.

14 Good afternoon, Mr. Kadir.

15 THE CLERK: For Abdel Nur?

16 MR. NOBLE: Good afternoon, Your Honor.

17 Daniel Noble for Mr. Nur.

18 THE COURT: Good afternoon, Mr. Noble, and good  
19 afternoon, Mr. Nur.

20 THE DEFENDANT: Good afternoon.

21 THE COURT: Good afternoon.

22 I am going to ask, for these proceedings, so that  
23 everyone can be heard and we make sure that we have the most  
24 accurate record possible, to remain seated and speak into the  
25 microphone, please.

1           This matter is on for a status conference. Of  
2 course, this is the first appearance for Messrs Kadir, Nur and  
3 Ibrahim.

4           Where do we stand on this matter?

5           MR. KNOX: Your Honor, three issues for the  
6 government that we will update the Court on.

7           First, with respect to discovery, the Court has  
8 signed a protective order governing discovery. The government  
9 has turned over all discovery to the counsel for the three new  
10 defendants in the case. We have also provided a copy of all  
11 of the electronic discovery to the MDC, so that the defendants  
12 can review that there.

13           So that's an update with discovery.

14           I also understand that the security clearance  
15 process for counsel has begun, that the papers have  
16 been -- have been turned over to counsel.

17           With respect to -- with respect to Mr. Noble, I  
18 believe, there may be an issue that he does not want to be  
19 cleared, at this time. Maybe he could explain to the Court  
20 why.

21           But the government's position on that is, at some  
22 point in this case he is going to need to be cleared and if it  
23 happens now, then no delay will be necessary. If he waits  
24 several months, then the proceedings are going to essentially  
25 have to be put on hold while his clearance process takes

1 place. Our experience is -- has been that that process can  
2 take a month or two --

3 THE COURT: Up to three months.

4 MR. KNOX: -- To be completed.

5 So our strong preference would be to have it begun  
6 now, promptly.

7 The government will also request, and does request,  
8 a second CIPA Section 2 conference, to address any additional  
9 classified material that may be relevant in this case in light  
10 of the presence of the three new defendants.

11 What we recommend doing is scheduling the conference  
12 about a month's time period, which should give us sufficient  
13 time to see what, if anything, is out there and also give us a  
14 better sense of how long it will take us to submit any filings  
15 that will be necessary as a result of any classified material  
16 that may be at issue.

17 We would suggest a conference in about a month.

18 Those are the issues that the government has.

19 THE COURT: Why don't we start first with -- yes,  
20 Mr. Noble?

21 MR. NOBLE: Your Honor, since my name was mentioned,  
22 I would like to address the representations made by the  
23 government, which were somewhat stronger than the content of  
24 my conversation with Ms. Berger.

25 My concern is, Your Honor, that, as every juror is

1 told, the parties stand equal before the Court. Certainly, I  
2 understand the need for security clearances. I have actually  
3 forty years ago had a low level security clearance when I was  
4 in the Navy.

5 But it seems to me that the process that's going to  
6 be used here is that we are going to have very limited access  
7 to a succinct amount of material, that that material will be  
8 contained in a room, secure room, and that at best we would be  
9 able to take notes that would be maintained in a secure room.

10 Also, as defense counsel, I guess I have this  
11 reflexive reaction when a very, very probing investigation is  
12 requested by the government.

13 The position I was taking with Miss Berger was,  
14 first of all, is there -- is there going to be any secure  
15 information. I actually did not get a strong affirmation, not  
16 as strong as has been represented to the Court this morning,  
17 that there would be any such material.

18 I think that that is certainly a reasonable  
19 prerequisite, that counsel not be required to fill out waivers  
20 of personal information such as tax returns, access to my  
21 military record, and other private historical information if  
22 there is not going to be any security information made  
23 available to counsel.

24 My second concern, Your Honor, is that the materials  
25 that we have been provided are not tailored to the limited

1 access to whatever it is that we might be shown. The forms  
2 that we have been given are routine government forms that are  
3 distributed to individuals who are going to take jobs within  
4 the government, where they would have access to whatever level  
5 of security it is. I am not familiar enough with their forms.

6 THE COURT: There were various different levels of  
7 security, as I understand it. Even my law clerks have to go  
8 through the security clearance if they are going to assist me  
9 in reviewing any classified information that may be  
10 distributed. The government may want the Court to review such  
11 classified information before, perhaps, for protective orders  
12 and so on under the CIPA statute. Quite frankly, the  
13 nightmare I had was sitting in a room with boxes of material  
14 and not having a law clerk to help me.

15 I am having all three of my law clerks go through  
16 what I understand is an intrusive security clearance. I went  
17 through it, too, to get to this position.

18 Mr. Carter and Ms. Whalen have gone through it and  
19 so has Mr. Hueston, by the way. I have gotten word from DOJ,  
20 Mr. Hueston, because of the prior clearance, has already -- I  
21 think his papers have already gone through.

22 Am I correct?

23 Did anyone contact you, Mr. Hueston?

24 MR. HUESTON: That is correct, Your Honor. We are  
25 just finalizing the procedure now.

1 THE COURT: Right.

2 I understand, because it is an intrusive procedure  
3 and I certainly understand it. I am in the same position as  
4 defense counsel because I don't know what material is going to  
5 be produced down the road by the government.

6 But I share the concern that the government has,  
7 that if indeed we do get to that point, however limited the  
8 material may be, it may be critical material and it may be  
9 critical material to the defense of your client and these  
10 security clearances do take a minimum of two months, if it is  
11 going to be rushed, and more of an average of three months. I  
12 would hate to have that delay the case for all of the  
13 defendants concerned because you would rather not go through  
14 the clearance at this point in time.

15 MR. NOBLE: Your Honor, I don't mind going through  
16 the clearance. I think the biggest problem with my going  
17 through the clearance would be for the government to provide  
18 sufficient coffee to the agents who are investigating me, to  
19 keep them awake, as they go through my rather -- the mundane  
20 details of my personal life. That's not my real concern.

21 My concern is more a generic one as defense counsel.  
22 I -- I guess what struck me in looking at the materials, these  
23 materials are in no way designed for the situation in which  
24 defense counsel would be seeking clearance. These materials  
25 were designed -- they are just routine.



1 THE COURT: You mean, the materials you are given  
2 now?

3 MR. NOBLE: No.

4 The materials, the form, the format of the  
5 questionnaire that we are being asked to fill out, is not one  
6 tailored to these circumstances. Those forms are very clearly  
7 the forms that are distributed to a certain level of applicant  
8 to certain government jobs.

9 It strikes me that, while I completely agree with  
10 the government -- I mean, with the Court, and I understand why  
11 such clearances are necessary, it strikes me that it is not an  
12 unreasonable request to make, that the government tailor their  
13 request for personal access -- for access to personal  
14 materials of defense counsel to the actual circumstances that  
15 are anticipated in an individual case and not some blanket  
16 investigation that goes far beyond what they really need to  
17 satisfy themselves that there would be no security breach if  
18 counsel is given access in the manner that we would be given  
19 that access in this individual case.

20 I guess that's my real concern.

21 THE COURT: Do you want to address that, Mr. Knox?

22 MR. KNOX: Your Honor, in effect, I think he's just  
23 taking issue with the clearance process that would apply in  
24 any criminal case in which classified material may be  
25 relevant. Frankly, I don't know what to say, other than this

1 is the process that, and the forms that the government has in  
2 place and presumably have had in place for some time and they  
3 have been used time and time and time again.

4           Beyond that, I haven't seen the forms, but we  
5 wouldn't be going through this process right now if we thought  
6 it was going to be a waste of time. We don't -- in 99 percent  
7 of cases we don't ask the defense counsel to get cleared. We  
8 are suggesting it here for a reason, because we think it may  
9 well be an issue and we think it is important that this  
10 process get started now so that it doesn't delay the  
11 proceeding.

12           And in terms of individual questions that  
13 he -- Mr. Noble takes issue with in the form, I would be happy  
14 to raise that with Washington. But my guess is, if -- you  
15 know, we are talking about delays. This could delay the  
16 process for several months, just addressing the question by  
17 question in these very standard forms.

18           THE COURT: The forms are what they are. The agency  
19 doing the investigations is not just going to rely on the  
20 forms, but they are also going to conduct interviews and so  
21 on. They are going to do whatever else they have to do to go  
22 through the clearance process.

23           Frankly, I don't think that it is within my purview  
24 to direct them to change the security clearance process  
25 because one person thinks that they are too generic and they

1 should be changed somehow.

2 Let me just say this, that I did contact our DOJ  
3 liaison, Mr. Macisso, to make sure that the security clearance  
4 process with respect to defense counsel got started as soon as  
5 possible because I do have a concern. Mr. DeFreitas' case has  
6 been pending now for close to a year awaiting the extradition  
7 of his codefendants. Certainly, he has an interest, as do the  
8 codefendants, in having a speedy resolution of this matter as  
9 is possible.

10 I think that that's all I can say to you, Mr. Noble,  
11 is to take that under advisement, but it is -- I have to say,  
12 that I don't view favorably any kind of delay based on simply  
13 a refusal now because you need to have some proof that somehow  
14 later this might become necessary. The government is  
15 representing that in their view it is going to become  
16 necessary. I don't think they would make that statement  
17 unless they believed it in good faith.

18 MR. NOBLE: That's -- like I said, Your Honor, it is  
19 the first time the representation has been stated with that  
20 degree of force and clarity.

21 But I don't mean to make a big issue of this, Your  
22 Honor. Like I said, I have gone through security clearances  
23 before and even though it was some decades ago, I will see to  
24 it that the local FBI office has a good supply of strong  
25 coffee and tell my neighbors to expect a nice knock on the

1 door. I hope not during dinner hour.

2 THE COURT: Okay. Mr. Carter or Ms. Whalen, with  
3 respect to Mr. DeFreitas, I don't have, as far as I know, any  
4 outstanding requests as to any of the defendants with the  
5 exception that Mr. DeFreitas's petition for habeas corpus had  
6 been put in abeyance pending the administrative resolution.

7 Do you have an update as to what is happening with  
8 that?

9 MR. CARTER: Yes, Your Honor.

10 We anticipate that we should hear from the central  
11 office by the 15th, by next Friday. We are optimistic but not  
12 particularly hopeful that they will come out our way.

13 Assuming that they don't, that's something that we  
14 could certainly raise at the next status conference when we  
15 have the CIPA issue addressed before the Court. We filed the  
16 final appeal. I have spoken to Mr. Johnson who has been very  
17 helpful in that regard, and we should hear from them by next  
18 Friday.

19 THE COURT: Okay. Just so that we are clear, that  
20 should be then Friday, the 15th?

21 MR. CARTER: That is correct.

22 THE COURT: As to Mr. Ibrahim -- is that all that  
23 you wanted to raise with respect to Mr. DeFreitas?

24 MR. CARTER: That's all at this time, Your Honor,  
25 yes.

1 THE COURT: As to Mr. Ibrahim, Mr. Hueston?

2 MR. HUESTON: Your Honor, we --

3 THE COURT: I need for you to sit and talk into the  
4 microphone.

5 MR. HUESTON: I am so used to standing up.

6 THE COURT: I know.

7 MR. HUESTON: You are referring to the issue about  
8 the examination, Your Honor?

9 The orders are in place. They have been submitted  
10 to MDC legal and I believe the government is starting its  
11 process in terms of making the competency evaluation for  
12 Mr. Ibrahim.

13 I am in contact with my expert, Barry Rosenfeld,  
14 Doctor Barry Rosenfeld, and we are going to -- the way it is  
15 set up, Your Honor, the government is going to make their  
16 examination. We will conduct our examination after. I  
17 anticipate that Doctor Rosenfeld will be in contact with  
18 Mr. Ibrahim, in any event, to begin to meet with him so we can  
19 make that assessment so we can go through the process as soon  
20 as possible.

21 THE COURT: Okay.

22 MR. HUESTON: If there is an issue to be raised, I  
23 will raise it with the government and Your Honor, but at this  
24 point there is nothing new to report besides the fact that the  
25 process has started.

1 THE COURT: Okay. Thank you.

2 As to Mr. Kadir?

3 MR. NKRUMAH: Again, good afternoon, Your Honor.

4 As far as Mr. Kadir is concerned, there is no  
5 progress. We have received discovery from the government.

6 I would make a side note, that I do join Mr. Noble  
7 in his application about the security clearance. When I spoke  
8 to the attorneys in my office, we all were kind of taken aback  
9 the fact that if for some unforeseen chance we are unable to  
10 pass the security clearance, the government gets to basically  
11 pick who our client's attorneys can be. Other than that fact,  
12 I have heard the explanation that the Court has given to  
13 Mr. Noble, we will abide by that and we will fill out the  
14 applications as quickly as possible.

15 THE COURT: Thank you.

16 MR. NKRUMAH: And other than issues of personal  
17 property that Mr. Kadir says wasn't returned to him after me  
18 meeting with the agents, which I will again speak to the  
19 US Foreign office about, we have no new issues at this time.

20 THE COURT: Okay. So you will consult with the  
21 government.

22 Anything else that you would like to add as to  
23 Mr. Nur as far as discovery or any other matters that are  
24 pending?

25 MR. NOBLE: Yes, Your Honor. I don't mean to signal

1 that I am going to be obstreperous throughout these  
2 proceedings, Your Honor, but I did give it some thought.  
3 There are some issues that I hope the Court will find to be  
4 worthy of the Court's consideration.

5 In reviewing all of the materials available to me,  
6 Your Honor, it appears that the government would have  
7 transcripts of many of the recorded conversations that we have  
8 been given electronic versions of. I am sure Your Honor would  
9 understand that reviewing these transcripts is very, very much  
10 more efficient than listening to conversations that were very  
11 heavily of the nature of a consensual conversation where  
12 somebody is spending a day or so in the presence of another  
13 individual. So trying to skim through an electronic recording  
14 to find what might be relevant in general and relevant to  
15 personal -- an individual defendant, is difficult in an  
16 electronic format.

17 If transcripts are available, and I believe that  
18 they are, that they be turned over as soon as possible.

19 Also, Your Honor, I think it is going to become  
20 necessary, given the nature of the case, its complexity and  
21 the fact that a great many of the relevant events take place  
22 either in Trinidad or Guyana, for counsel to have access to  
23 either expert services, investigative services and travel to  
24 the venues where relevant events to the case are alleged to  
25 have taken place, and at this time I am merely inquiring of

1 the Court whether or not there is a procedure that you  
2 normally follow that counsel can adhere to to submit requests  
3 that we be able to undertake these types of activities, or if  
4 there is something the Court wants to think about.

5 I just wanted to get that out there. It seems  
6 pretty clear, that it is going to become necessary at some  
7 point in the proceeding.

8 THE COURT: In fact, I have been thinking about  
9 precisely those issues. This is obviously a very unusual  
10 case. It doesn't follow the pattern of most of the criminal  
11 cases that come through the doors of this courtroom or the  
12 courthouse in particular.

13 But it may be that this case, because of the nature  
14 of the charges and for the reasons that you just stated,  
15 Mr. Noble, may be the kind of case that should have a case  
16 budgeting plan, a CJA budgeting plan, because we have three  
17 counsel. I'm sure the Federal Defenders would be interested  
18 in that too.

19 Mr. Tritz, who handles CJA financial issues for the  
20 Second Circuit, is going to be contacted by me very soon to  
21 start opening up that process and to see if perhaps we can't  
22 set up some kind of meeting or see what procedures he has in  
23 place for setting up that kind of budgeting.

24 As a general matter, I just entertain applications  
25 as they arise, as the need arises, either for an expert, and



1 so on. But I think that this case might best lend itself to  
2 some kind of planning in advance so that counsel has an idea  
3 of what they want to do, the government is aware. They may  
4 want to make request for experts and so on as well and so that  
5 the Court can keep track of the costs without necessarily  
6 hindering the defense in doing what they need to do to defend  
7 their clients, which is always difficult in complex cases,  
8 especially such as this one.

9 That is probably something that we should address at  
10 the next conference. I hope we will have some more  
11 information and I will have my -- if I think that a meeting  
12 with counsel to discuss case budgeting, I don't think that the  
13 defendants necessarily need to be present for that, but if a  
14 meeting is necessary to have all the attorneys present to  
15 discuss that, I will have my deputy arrange that at a date  
16 that's convenient for everyone concerned.

17 MR. NOBLE: Your Honor, would you have any  
18 objection if counsel independently contacted Mr. Tritz? I  
19 happen to know Mr. Tritz from a previous phase of his career  
20 when he was defense counsel and as --

21 THE COURT: I have no problem with that.

22 MR. NOBLE: Thank you.

23 THE COURT: I have no problem with that. In fact, I  
24 know that he's always available to speak to CJA counsel. I'm  
25 sure he will welcome any calls from the attorneys, if you wish

1 to do that.

2 Okay. Is there anything else? Yes.

3 MR. KNOX: Your Honor, I will briefly address the  
4 transcript issue.

5 THE COURT: Yes, please.

6 Thank you.

7 MR. KNOX: We are in the process of working on  
8 transcripts. We do have some that are not in final form but  
9 are in fairly good shape.

10 What we will do is, we will submit a proposed draft  
11 transcript stipulation to counsel that will govern the use of  
12 these transcripts and then what I hope is that we will agree  
13 on a stipulation and then we can submit it to the Court for  
14 the Court's signature. At that point then we will start  
15 turning over our draft transcripts on a rolling basis, as we  
16 have them.

17 THE COURT: How long do you think that's going to  
18 take?

19 MR. KNOX: I think we could probably get a  
20 stipulation, draft stipulation out in the next week and then  
21 as soon as it is agreed upon and entered by the Court,  
22 immediately start turning over transcripts.

23 THE COURT: Okay. That is fine.

24 It does seem that the defendants' request is a  
25 reasonable one, especially since they already have the

1 recordings, to have the transcripts to follow along.

2 Is there anything else before we work on setting a  
3 conference date?

4 MR. NOBLE: No objection.

5 MR. KNOX: Nothing from the government, Your Honor.

6 THE COURT: With respect to the CIPA conference, is  
7 September 12th a good date?

8 MR. NOBLE: Your Honor, could we go one week more?  
9 I may be away that week. I'm hoping to be away that week.

10 THE COURT: How about the 19th, in the afternoon, if  
11 all counsel are available?

12 MS. HUESTON: That's fine with me, Your Honor.

13 THE COURT: Say 2:30.

14 MR. CARTER: Yes.

15 MR. KNOX: That's fine with the government, Your  
16 Honor.

17 THE COURT: Do counsel consent to the exclusion of  
18 time until then?

19 MR. HUESTON: Yes, Your Honor.

20 MR. NKRUMAH: Yes, Your Honor.

21 MR. CARTER: Yes, Your Honor.

22 MR. NOBLE: Yes, Your Honor.

23 THE COURT: As to all defendants, time is excluded  
24 on consent.

25 Mr. Knox, I just want to clarify something with

1 respect to the CIPA conference at this time. Is that a  
2 conference that -- did you need an ex parte conference? I  
3 believe that we had to review some documents in chambers with  
4 respect to Mr. DeFreitas initially in the beginning of the  
5 case.

6 MR. KNOX: I believe --

7 THE COURT: I just want to clarify.

8 MR. KNOX: That will not be the ex parte conference.  
9 If there is a need for any ex parte conference, it will be  
10 after the date of the CIPA Section 2 conference.

11 THE COURT: Which will be the 19th?

12 MR. KNOX: Right.

13 THE COURT: Okay. I just wanted to clarify that.  
14 Okay. All right.

15 MR. NOBLE: Your Honor, it is my understanding the  
16 defendants will not be produced for that conference?

17 THE COURT: For the 19th?

18 MR. NOBLE: Yes, Your Honor.

19 THE COURT: I see no reason why the defendants  
20 should not be produced.

21 MR. KNOX: They were last time.

22 THE COURT: Yes.

23 MR. NOBLE: Okay.

24 MR. KNOX: There is no reason not to.

25 MR. NOBLE: Perhaps I misunderstood.

1 THE COURT: There is no reason not to, barring  
2 illness or anything like that.

3 MR. NOBLE: That's fine.

4 MR. KNOX: Your Honor, that may also be a good time  
5 to discuss any new discovery issues or anything else that  
6 could arise between now and then.

7 THE COURT: Of course, as counsel are I'm sure  
8 aware, most of you have appeared before me before except for  
9 Mr. Nkrumah, I do everything electronically. Obviously, if  
10 there is a need for something to be filed under seal, then you  
11 just make the application.

12 I ask for two courtesy copies to be provided along  
13 with the original of the appropriate sealing documents. Of  
14 course, I will make an assessment at that time whether it  
15 should be filed under seal or not, and let the parties know  
16 promptly.

17 I will not be available -- I will not be formally in  
18 court the last two weeks of August. However, I will be  
19 keeping track of ECF filings and should have remote access.  
20 If you get done with the proposed transcript order, by all  
21 means, do file it electronically and I will make sure  
22 that -- I will be looking out for it, so I can address that  
23 electronically, if necessary. I don't want the fact that I am  
24 not here to cause any delay in counsel getting access to the  
25 transcripts.

1 MR. NKRUMAH: Your Honor, this is a side note.  
2 Bearing on the -- bearing on the care of my client, Mr. Kadir,  
3 as the Court is aware, Mr. Kadir is Guyanese citizen. His  
4 family, his immediate family, actually all of Mr. Kadir's  
5 family except one, maybe two of his children, reside in  
6 Guyana. His children do not reside in New York.

7 Mr. Kadir until, I believe it was the Tuesday or  
8 yesterday, had not had contact with his family from the --  
9 from the time of his extradition from Trinidad. I would ask  
10 this Court to possibly arrange, if it is possible, some way  
11 that the Bureau of Prisons can allow Mr. Kadir to have  
12 contact, phone contact, with his family.

13 As the Court is aware, Mr. Kadir is incarcerated and  
14 he has no funds in order to put in commissary in order to put  
15 in to pay for phone calls. Contact with his family is an  
16 important aspect for Mr. Kadir providing assistance in his  
17 defense and I would ask the Court to make some type of  
18 arrangements so he could have weekly contact with his family,  
19 if possible.

20 MR. KNOX: Your Honor, just speaking with  
21 Mr. Johnson, he advises me that there are procedures in place  
22 at the MDC for indigent defendants to arrange for this type of  
23 service. Beyond that, I don't really have anything to add,  
24 other than he should take it up, I guess, with the MDC.

25 THE COURT: I know that there are counselors

1 available at the MDC for him to confer with so that they can  
2 let him know what the appropriate procedures are for him to  
3 make that application.

4 Mr. Johnson is here. I invite you, Mr. Nkrumah,  
5 perhaps to confer with him at the end of these proceedings.  
6 Mr. Johnson has been very helpful in both seeking medical  
7 accommodations and some other accommodations in the case. So  
8 that perhaps if he can clarify what those procedures are for  
9 you and you can communicate that to your client, perhaps that  
10 might be helpful.

11 MR. NKRUMAH: That will be helpful, Your Honor.

12 Thank you.

13 THE COURT: Yes?

14 MR. CARTER: Your Honor, I would just -- I would  
15 like an earlier date for Mr. DeFreitas because -- to deal with  
16 the issue of the pending writ since we do anticipate a  
17 response by August 15th. I understand Your Honor is out the  
18 last two weeks in August.

19 Is Your Honor available on September 5th or any time  
20 that week, the week after Labor Day? The week of Labor Day?

21 THE COURT: I am. I am available Thursday,  
22 September 4th or in the afternoon of Friday, September 5th.

23 MR. CARTER: Could we have the afternoon of  
24 September 5th then?

25 THE COURT: Is 2:30 good?

1 MR. CARTER: That's fine.

2 THE COURT: That will be Mr. DeFreitas only.

3 MR. CARTER: Yes.

4 THE COURT: Anything further?

5 MR. KNOX: Nothing for the government, Your Honor.

6 THE COURT: Counsel, anything further?

7 MR. HUESTON: No, Your Honor.

8 MR. NOBLE: No, Your Honor.

9 Thank you, Your Honor.

10 MR. NKRUMAH: No, Your Honor.

11 MR. CARTER: No, Your Honor.

12 THE COURT: Okay. Thank you.

13 I am going to ask everyone to remain seated while  
14 the defendants are escorted.

15 Good afternoon, gentlemen. We will see you back  
16 here in court on September 19th.

17 (The defendants leave courtroom.)

18 THE COURT: Thank you.

19 The proceedings are concluded.

20 (Matter concludes.)

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